

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 24, 2003
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:14 p.m.

Mayor Murphy introduced and welcomed to Council, County Supervisor Pam Slater. Ms. Slater presented to the Mayor and Council, from the County Board of Supervisors, a Proclamation to celebrate and recognize the City of San Diego's one hundred and fifty third anniversary. Ms. Slater stated that San Diego was incorporated as a City on March 27, 1850, with the first City Government consisting of a Common Council with five members; a Mayor, City Marshall, City Attorney, City Clerk, City Assessor, and City Treasurer. The first Mayor elected to serve the City of San Diego was Joshua Bean, brother of the famous Judge Roy Bean known as the "Law West of the Pecos." Ms. Slater wished to express that the County of San Diego is committed to recognizing and honoring the many fine branches of government that are dedicated to the best ideals of public service, and that the City of San Diego is certainly one such worthy form of government. Mayor Murphy thanked County Supervisor Pam Slater for honoring the City.

The meeting was recessed by Mayor Murphy at 3:57 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:07 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:25 p.m. into Closed Session at 9:00 a.m. on Tuesday, March 25, 2003, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present

(5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Lane (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Lane called the roll:

(M) Mayor Murphy-present

(1) Council Member Peters-present

(2) Council Member Zucchet-present

(3) Council Member Atkins-present

(4) Council Member Lewis-present

(5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Doug Knutson-Keller of College Lutheran Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Zucchet.

FILE LOCATION: MINUTES

ITEM-30: Patricia McQuater Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1084) ADOPTED AS RESOLUTION R-297736

Recognizing Patricia McQuater for her wonderful contributions to the San Diego community and thanking her for her dedicated service on the San Diego Unified Port District Board of Directors;

Proclaiming March 24, 2003 to be "Patricia McQuater Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m.- 2:32 p.m.)

MOTION BY LEWIS TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Tariq Khamisa Day.

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1100) ADOPTED AS RESOLUTION R-297737

Recognizing the Tariq Khamisa Foundation for its outstanding efforts to combat and reduce youth violence in our community;

Proclaiming March 24, 2003 to be “Tariq Khamisa Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:20 p.m. - 2:25 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Geoff Patnoe Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1083) ADOPTED AS RESOLUTION R-297738

Recognizing and commending Geoff Patnoe for his many outstanding contributions and service to San Diego;

Proclaiming March 24, 2003 to be “Geoff Patnoe Day” in the City of San Diego.

SUPPORTING INFORMATION:

Geoff Patnoe is completing his one-year term as the 11th Executive Director of the San Diego County Taxpayers Association. Geoff has also served on the Citizens Taskforce on Chargers Issues and the Independent Citizens Oversight Committee for San Diego City Schools.

Maienschein

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:32 p.m. - 2:35 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-33: San Diego Project Heart Beat.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1087) ADOPTED AS RESOLUTION R-297739

Recognizing and saluting San Diego Project Heart Beat and its partners in their dedication to saving lives.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:35 p.m. - 2:45 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-50: Ethics Commission "Clean-Up" Amendments to the San Diego Municipal Code.

(See memorandum from Charles B. Walker dated 2/12/2003.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-119) INTRODUCED, TO BE ADOPTED ON APRIL 7, 2003

Introduction of an Ordinance amending San Diego Municipal Code by amending Chapter 2, Article 6, Division 4, by amending Sections 26.0402, 26.0413, 26.0414, 26.0421, 26.0422, 26.0423, 26.0425, 26.0430, 26.0435, and 26.0450, all

relating to Investigation and Enforcement procedures for the City of San Diego Ethics Commission.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 2/12/2003, RULES voted 5 to 0 to approve. (Councilmembers Peters, Maienschein, Madaffer, Inzunza and Mayor Murphy voted yea.)

SUPPORTING INFORMATION:

On February 10, 2003, the City Council adopted Resolution R-297624 approving the Ethics Commission's Audit Manual, thereby necessitating changes to the Ethics Commission's Investigation and Enforcement procedures. These procedures, codified in the Municipal Code at Sections 26.0401, et seq., must be amended to be consistent with the provisions of the Audit Manual.

Changes to Section 26.0413 clarify that the Ethics Commission's jurisdiction for audits is limited to actions and events occurring on or after July 21, 2001. Section 26.0421 is amended to provide that the Commission must vote on material violations resulting from an audit before proceeding with an enforcement action on its own initiative. Section 26.0422 allows the Commission to suspend Preliminary Review for complaints of persons involved in a Commission audit and also allows the Commission's Executive Director to dismiss violations found in an audit if such violations are (a) non-material; or (b) material but the Commission has voted not to initiate enforcement action.

In recognition of the potential for a Brown Act violation, Section 26.0430 eliminates an option that would have permitted the full Ethics Commission to sit as a Presiding Authority at a Probable Cause Hearing, a hearing that could be closed to the public. In light of a recent California Supreme Court ruling, Section 26.0430 is also amended to eliminate paid hearing officers from acting as Presiding Authority.

Other substantive changes include amending Section 26.0402 by adding a definition of "City" to clarify the identities of the entities subject to the jurisdiction of the Ethics Commission, and by revising the definition of "Governmental Ethics Laws" to clarify that Commission has jurisdiction to enforce local laws but not state laws. Section 26.0413 has been amended to clarify that individuals within the jurisdiction of the Commission include members of Project Area Committees and employees who are not considered "classified" or "unclassified" but are nevertheless City employees. Section 26.0422(e)(4) clarifies the Executive Director's discretion to dismiss complaints that consist of speculation or opinion,

or are frivolous or absurd. Section 26.0423 clarifies that taking no action on a complaint is an option available to the Commission. Section 26.0435(d) is amended to recognize that the Hearing Procedures adopted by the Commission, not the California Administrative Procedures Act, provide the procedures for pre-hearing discovery.

Non-substantive "clean-up" amendments include italicizing defined terms (Section 26.0414) and capitalizing certain words (Sections 26.0422, 26.0425, 26.0430, 26.0435).

FISCAL IMPACT:

None.

Baber/CB

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:17 p.m. - 3:30 p.m.)

MOTION BY MADAFFER TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Inviting Bids and Award of Contract for Water Meter Box Replacement Project.

(See memorandum from Larry Gardner dated 2/25/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1077) ADOPTED AS RESOLUTION R-297740

Approving the plans and specifications for the Construction of Water Meter Box Replacements (Projects) on Work Order No. 051827;

Authorizing the City Manager to award four \$250,000 contracts to, and to execute four contracts with the lowest responsible and reliable bidders for the Projects through the minor Construction Program in a total amount not to

exceed \$1,000,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,000,000 from Water Fund 41500, Org. No. 516, Water Meter Box Replacements, Water Department Operations Division, solely and exclusively for the purpose of providing funds for the Projects and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-M02056)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION:**

On 3/5/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

There are approximately 1,600 broken and damaged concrete water meter boxes currently within the City's water system. These damaged boxes have caused numerous claims to be filed through the City's Risk Manager Department and it is essential that these boxes be replaced in order to reduce and/or eliminate any further liability to the City. The Water Department intends to utilize the City's Minor Construction Program to expedite the replacement of the damaged boxes. To accomplish this task, the 1600 boxes will be divided into 4 individual project groups at an estimated \$250,000 each, totaling \$1,000,000.

Mendes/Gardner/MS

Aud. Cert. 2300916

FILE LOCATION: W. O. 051827

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-101: Inviting Bids and Award of Contract for Force Main #1 Inspection and Repair - East Portal Project.

(See memorandum from Scott Tulloch dated 2/13/2003. Peninsula Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1108)

ADOPTED AS RESOLUTION R-297741

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Force Main #1 Inspection and Repair - East Portal Project on Work Order No. 195831;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for the Project in an amount not to exceed \$1,470,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer the following: an amount not to exceed \$435,860 from Fund 41508, CIP-46-175.0, Point Loma Headworks, Odor Control and Grit Processing to Fund 41508, CIP-46-181.0, Force Main 1 & 2 Corrosion Study for sublet CIP-46-181.2, Force Main 1 Inspection and Repair; an amount not to exceed \$293,445 from Fund 41509, CIP-46-055.0, FIRP Pump Station to Fund 41508, CIP-46-181.0, Force Main 1 & 2 Corrosion Study for sublet CIP-46-181.2, Force Main 1 Inspection and Repair; and an amount not to exceed \$230,000 from Fund 41509, CIP-45-955.0, Mission Valley Water Reclamation Plant Road Improvements to Fund 41508, CIP-46-181.0, Force Main 1 & 2 Corrosion Study for sublet CIP-46-181.2, Force Main 1 Inspection and Repair;

Authorizing the expenditure of an amount not to exceed \$1,470,000, of which \$1,416,000 is from Fund 41508, CIP-46-181.0, Force Main 1 & 2 Corrosion Study for sublet CIP-46-181.2, Force Main 1 Inspection and Repair, for the purpose of providing funds for project construction and related costs, and \$54,000 is from Fund 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency for project contingency, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03107)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION:**

On 2/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Lewis, Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present.)

CITY MANAGER SUPPORTING INFORMATION:

Metro Pump Station #2 (PS #2) was built in 1962 to pump wastewater to the Point Loma Wastewater Treatment Plant (PLWTP). Force Main #1 (FM #1) was built in 1963 to connect PS #2 to the Point Loma Tunnel Interceptor Sewer, which conveys wastewater to the PLWTP. Force Main #2 (FM #2) was built in the late 1970s as a backup for FM #1. Both FM #1 and FM #2 are connected together at the East Portal Structure. The East Portal was built in 1963. In the late 1990s a new structure was added to the East Portal. This structure added large gates to FM #1 and #2 in order to isolate the flows in the two force mains to accommodate an internal corrosion inspection. During the fall of 2001, the East Portal was inspected and some corrosion and delamination of the structural lining was discovered. This project will repair the delaminated liner sections and corrosion in the East Portal. The rehabilitation of this 40 year old facility is critical to the continued conveyance of wastewater from PS #2 to the PLWTP.

In addition to the East Portal, this project also includes: 1) the replacement of corroded appurtenances in the vaults along FM #1 to ensure uninterrupted service of the system; 2) replacement of four large force main valves installed in 1963 at Pump Station #2 on FM #1 and FM #2, which are used to drain the force mains for maintenance or emergencies;

and 3) rehabilitation of the West Portal vent shaft, which was built in 1963. This project has been reviewed and approved by the Metro Commission.

The total cost of this project is \$1,470,000, which includes engineering, construction, construction management and other related costs. The construction management cost is estimated to be \$120,000. Originally \$400,000 was budgeted for just the East Portal work. However, with the addition of the work described above the construction cost estimate plus contingency is now \$1,134,000. Funding for this project will come from CIP-46.181.0, Force Main 1 & 2 Corrosion Study (\$456,695), CIP-46-501.0, Pooled Contingency (\$54,000) and excess funds from CIP-46-175.0, Point Loma Headworks (\$435,860), CIP-46-055.0, FIRP Pump Station (\$293,445), and CIP-45-955.0, Mission Valley Water Reclamation Plant Road Improvements (\$230,000) which will fund the additional construction work.

FISCAL IMPACT:

The total of this request is \$1,470,000 of which \$1,416,000 is available in Fund 41508, CIP-46-181.0, Force Main 1 & 2 Corrosion Study for the construction and related costs of sublet CIP-46-181.2. Force Main 1 Inspection and Repair, and \$54,000 is available in Fund 41508, CIP-46-501.0, Annual Allocation -Metro Pooled Contingencies for project contingency.

Loveland/Tulloch/JMM

Aud. Certs. 2300911 and 2300792.

FILE LOCATION: W. O. 195831

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Northwest Area Police Station and Community Service Center.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1093) ADOPTED AS RESOLUTION R-297742

Authorizing the City Manager to execute an agreement with Safdie Rabines Architects to provide professional consulting services related to the Northwest Area Police Station and Community Service Center Project;

Authorizing the expenditure of an amount not to exceed \$649,318 from Fund 79002, CIP-36-059.0, Northwest Area Police Station and Community Service Center, solely and exclusively for the purpose of funding the agreement with Safdie Rabines Architects.

CITY MANAGER SUPPORTING INFORMATION:

This project is located in the community of Carmel Valley, located on the West side of El Camino Real, at the intersection of Elijah Court. On September 8, 1998, the City entered into a development agreement with Pardee Construction Company. On September 3, 2002, in accordance with this agreement, the City purchased a four acre parcel of land, for the purpose of constructing a police station, vehicle maintenance facility and community service center.

This facility is proposed to accommodate the anticipated need for increased police services due to the population growth and development in this area and will serve the extreme northwest area of the city, in Carmel Valley, and adjacent community plan areas. This project is also included in the Carmel Valley South, Carmel Valley North and Del Mar Mesa Facilities Benefit Assessments and the Pacific Highlands Ranch and Sorrento Hills Public Facilities Financing Plans and is in conformance with the City's Progress Guide and General Plan.

Nine (9) firms were certified from the as needed list for architectural services by the Consultant Selection Coordinator and were interviewed by Public Buildings and Parks Division. Safdie Rabines Architects was selected, in accordance with Council Policy 300-7. The proposed agreement with Safdie Rabines Architects will provide the professional services necessary to develop bridging documents (40% design documents), perform environmental studies, coordinate with the community to gain further input, evaluate various cost savings options and provide technical support during the design build

procurement process. During the design build procurement process, the bridging documents will be utilized by the design builder as a basis for design and for preparing a proposal package. It is anticipated that the design build process will promote further cost savings.

FISCAL IMPACT:

The consultant's total fee is \$649,318, includes \$50,000 for additional services, at the City's discretion, and is available in Fund 79002, CIP-36-059.0, Northwest Area Police Station and Community Service Center. This project is funded via Facilities Benefit Assessments (FBA).

Loveland/Belock/AO

Aud. Cert. 2300958.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-103: Agreement with Stradling, Yocca, Carlson and Rauth for Bond and Disclosure Counsel Services for Advance Refundings for the Balboa Park and Mission Bay Park Certificates of Participation and the City of San Diego/MTDB Lease Revenue Bonds.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1033) ADOPTED AS RESOLUTION R-297743

Authorizing the City Manager to execute an agreement with Stradling, Yocca, Carlson & Rauth, for Bond and Disclosure Counsel Services for the Advance Refundings for the Balboa Park/Mission Bay Park Certificates of Participation and the City of San Diego/MTDB Authority Lease Revenue Bonds for a maximum amount not to exceed \$116,000 contingent upon the issuance of bond financing.

SUPPORTING INFORMATION:

The City is in the process of conducting advance refundings (Advance Refundings) of two series of outstanding securities: approximately \$18.5 million in outstanding Certificates of Participation (Balboa Park and Mission Bay Park Capital Improvements Program) Series 1993, and approximately \$16 million in outstanding City of San Diego/MTDB Authority 1993 Lease Revenue Bonds (San Diego Old Town Light Rail Transit Extension) (collectively the Bonds). The City Attorney's Office determined that bond and disclosure counsel were necessary for the Advance Refundings. A Request for Proposals was sent out on December 11, 2002 to forty seven firms in the State of California, and the City Attorney selected the firm of Stradling, Yocca, Carlson & Rauth to act as bond and disclosure counsel for the Advance Refundings. The firm proposed to provide bond and disclosure counsel services for both refundings for a maximum amount not to exceed \$116,000, including expenses. Such fees and expenses are contingent on the bonds be sold.

FISCAL IMPACT:

Bond and disclosure counsel fees are contingent on the bonds being sold and will be paid from the proceeds of the Refunding Bonds.

Salt

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Design Agreement for 23 Citywide Pump Stations Upgrades.

(See memorandum from Scott Tulloch dated 1/29/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1075)

ADOPTED AS RESOLUTION R-297744

Modifying the FY2003 CIP Budget to include Fund 41506, CIP-41-929.0, Pump Stations Upgrades;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$663,673 from Fund 41509, CIP-45-940.0, Wet Weather Storage Facility to Fund 41506, CIP-41-929.0, Pump Stations Upgrades;

Authorizing the City Manager to enter into a phase funded agreement with CGvL Engineers for the design of 23 pump station upgrades for a total amount not to exceed \$1,428,335 together with any reasonably necessary modifications or amendments thereto which do not increase the project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the project;

Authorizing the expenditure of a total amount not to exceed \$1,428,335 from Fund 41506, CIP-41-929.0, Pump Stations Upgrades, to fund the Pump Stations Upgrades Design Agreement in the following manner, provided that the City Auditor first furnishes one or more certificates certifying that the funds necessary are, or will be, on deposit with the City Treasurer for each phase:

<u>PHASE</u>	<u>AMOUNT</u>	<u>FY</u>	
1	\$603,673	2003	
2	\$669,774	2004	Contingent upon the approval of the FY2004 Operating Budget
3	\$154,888	2005	Contingent upon the approval of the FY2005 Operating Budget

**NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION:**

On 2/5/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

This Agreement provides for design services for maintenance upgrades for 23 pump stations located throughout the San Diego Metropolitan area. Most of these pump stations were built almost 50 years ago and need rehabilitation. The vast majority of the work will take place inside the pump stations. However, some pump stations will require work outside the buildings on redundant force mains and underground storage tanks. In addition, recent EPA

regulations require upgrades on these pump stations to minimize the occurrence of any sewer spills.

The scope of work for these upgrades includes site investigation, preparation of a pre-design report, plans and specifications, and construction support. The City of San Diego's Consultant Nominating Committee nominated the seven most qualified consulting firms to participate in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed and the firm of CGvL Engineers was selected as the best qualified firm to provide the design services. The sub-consultants on this project are Simon Wong Engineering, Ninyo & Moore, Lintvedt, McColl & Associates, Mark Balan & Associates, DeC Consultants, Orion Construction, MARRS Services, and Moraes/Phamm & Associates. Several community meetings are anticipated throughout the design phase. The Owner and Principal-In-Charge is Guillermo Garcia, Executive Vice-President.

FISCAL IMPACT:

The total consultant agreement cost is \$1,428,335. This project will be phase funded with \$603,673 allocated in FY2003, \$669,774 in FY2004, and \$154,888 in FY2005. Funds for FY2003 are available in Sewer Fund 41506, CIP-41-929.0, Pump Station Upgrades.

Mendes/Tulloch/JMM

Aud. Cert. 2300932.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Lease Approval - San Diego Gas and Electric at Cowles Mountain.

(Mission Trails Regional Park Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-729) ADOPTED AS RESOLUTION R-297745

Authorizing the City Manager to execute a ten-year lease agreement with four five-year options to extend with San Diego Gas and Electric for the operation and maintenance of a communications facility at the City/County Cowles Mountain Communications Center, at an initial annual rent of \$50,700.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas & Electric (SDG&E) is requesting a lease for the operation and maintenance of a recently constructed communications facility at the City/County Cowles Mountain Communications Center. It consists of 5 full or "tall" rack spaces, 2 half or "short" rack spaces, 4 two-way panel antennas and 1 six-foot dish antenna mounted on the west side of the former "Cox Cable" building. SDG&E requires use of this site to provide service to the local community. SDG&E has a number of leases with the City and has proved to be a reliable tenant.

BASIC TERMS of the agreement are as follows:

USE - Installation, maintenance, and operation of a communications facility for SDG&E.

TERM - Ten (10) years, with four 5-year options to extend.

GROUND RENT - Rent is \$50,700 annually (\$4,225 per month) with annual 5% rent increases and reappraisal every five years. This value is consistent with an outside independent fee appraisal dated August 2000 and updated October 2002. Rent has been collected since May 1, 2002, under a right-of-entry agreement.

PRIOR APPROVALS:

Mission Trails Regional Park Citizen's Advisory Committee

Mission Trails Regional Park Task Force

Park and Recreation Department

Information Technology and Communications Department

Development Services Department

San Diego County Board of Supervisors

FISCAL IMPACT:

The City will receive \$50,700 in the first year of the lease with 5% annual rent increases thereafter. Rental Proceeds generated will be credited to the Mission Trails Regional Park Fund 10580.

Herring/Griffith/JPA

FILE LOCATION: LEAS-San Diego Gas and Electric at Cowles Mountain

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Approving the Final Map of Lone Tree Estates.

(Del Mar Mesa Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1110) ADOPTED AS RESOLUTION R-297746

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 43.030 acre site into 17 lots for residential development and two lots for open space. It is located southeasterly of I-5 and Ted Williams Freeway in the Del Mar Mesa Community Plan area. This map requires Council approval because a portion of Shaw Ridge Road is being vacated on the map.

On October 19, 2000 the Planning Commission of the City of San Diego approved Tentative Map TM-99-1 373 by Planning Commission Resolution No. 3035-3-PC. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

The public improvements required for this subdivision are shown in detail on Engineering Drawing No. 30393-1 -D through 30393-17-D, filed in the Office of the City Clerk under Micro No. 141.41. All improvements are to be completed within two years.

The Engineers estimate for the cost of public improvements is \$928,169. An agreement has been entered into and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$4,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

The proposed Lone Tree estates project is estimated to generate approximately 170 average daily trips (ADT). 50 of these trips are estimated to occur on I-5, which has an estimated near-term plus project volume of 262,050 ADT. Caltrans is planning to widen I-5 to provide ten additional lanes south of State Route 56 to be completed by 2004-2007. Del Mar Mesa/Subarea V is required to contribute \$1,030,000 for the widening of SR 56 from four to six lanes.

This subdivision is in a community plan area as designated in the General Plan as Planned Urbanizing or Future Urbanizing. Special financing plans have been established to finance the public facilities required for the community plan area. In addition, the developer is subject to and has paid a lien, pursuant to the establishment of the Carmel Valley Neighborhood #10 Cost Reimbursement District (CRD). The CRD was established for the construction of segments of Carmel Mountain Road and Carmel Country Road.

In order to satisfy Condition 11 of Planning Commission Resolution No. 3035-3-PC, subdivider has executed an Affordable Housing Agreement with the Housing Authority of the City of San Diego. In order to satisfy Condition 16 of Planning Commission Resolution No. 3035-3-PC, subdivider is entering into a Development Entitlement Indemnification Agreement which defends, indemnifies and holds harmless the City from liability or loss as a result of the vacation of a portion of Shaw Ridge Road.

FISCAL IMPACT:

None.

Ewell/Brought/grb

FILE LOCATION: LUP-Lone Tree Estates 3/24/03 (65)

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchert-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Modify a Two Hour Unmetered Parking Time Limit Zone on the East Side of 5th Avenue between Fir Street and Grape Street.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1054)

ADOPTED AS RESOLUTION R-297747

Establishing a two-hour unmetered time limit parking zone between the hours of 8:00 a.m. and 6:00 p.m., Saturday, Sunday and certain holidays excepted, on the east side of 5th Avenue between Fir Street and Grape Street;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

The east side of 5th Avenue between Fir Street and Grape Street has a 2 hour unmetered parking time limit, excluding Sundays and certain holidays. This was established by City Council Resolution R-108358 in 1952. 75% of the residents on the subject street have submitted a petition requesting that Saturdays be also added to the days excluding enforcement at the time limit zone.

Council Approval is required for designating parking time limit, according to San Diego Municipal Code Section 86.04. The City Manager recommends approval of this action.

FISCAL IMPACT:

None.

Loveland/Gonzalez/AH

FILE LOCATION:

MEET

COUNCIL ACTION:

(Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-108: Establish Two-hour Unmetered Parking on Alta Carmel Court South of Avenida Venusto.

(Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1055)

ADOPTED AS RESOLUTION R-297748

Establishing a two-hour parking zone effective between the hours of 8:00 a.m. and 4:00 p.m., Saturday, Sunday and certain holidays excepted, on both sides of Alta Carmel Court between Avenida Venusto and a point 500 feet south of Avenida Venusto;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes two hour parking from 8:00 a. m. to 4:00 p. m., except on Saturdays, Sundays, and holidays on both sides of Alta Carmel Court, between Avenida Venusto and a point 500 feet south of Avenue Venusto.

The following properties represent 100% fronting of the affected area, and have signed a petition for this action:

1. Carmel Mountain Apartments at 12079 Alta Carmel Court
2. Rancho Carmel Village Center at 12125 Alta Carmel Court
3. Angelo Moullos at 12160 Alta Carmel Court

This area is adjacent to the Rancho Carmel business area, and increasing the turnover of parking would benefit the area as a whole. Field inspections by Traffic Engineering Staff revealed a very high level of occupancy and a low turnover, thus satisfying the minimum requirements for time limit parking. This area is also adjacent to other areas with time limit parking. For that reason, this request is justified, and adequate enforcement will be provided.

The Carmel Mountain Ranch Community Council is in favor of this action. Approval of this action is recommended by the City Manager.

FISCAL IMPACT:

Funds for the installation of signs are budgeted within the Transportation Department, Street Division's operating fund.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Two actions related to Main Library Proposition 14 Grant application for Round 2 Grant Cycle.

(See City Manager Report CMR-03-043. Centre City-East Village Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1081 Cor. Copy) ADOPTED AS RESOLUTION R-297749

Authorizing the City Manager to:

1. Appropriate the local matching funds of \$10.8 million (35%) identified in the Proposition 14 Library Property Budget, which are identified and included in the Library Financing Plan approved by Council on November 18, 2002, as required by Education Code Section 19995(a), should a grant be awarded;
2. Appropriate supplemental funds of \$128.5 million as identified and included in the Library Financing Plan approved by Council on November 18, 2002, necessary to complete the project at the level stated in the project budget should a grant be awarded;

3. Appropriate the local matching supplemental funds as specified in the budget as identified and included in the Library Financing Plan approved by Council on November 18, 2002, as specified in the budget when they are required to meet cash flow requirements of the project;
4. Approve the project budget as contained in the Project Budget section of the Application form;
5. Attest to the accuracy and truthfulness of all information submitted in the Application form and the required supporting documents;
6. Commit the Main Library to public library direct service by the City of San Diego;
7. Commit the Main Library to public library direct service by the City of San Diego;
8. Dedicate the Main Library to public library direct service use for a minimum of 40 years following completion of the project, regardless of any operating agreements the City may have with other jurisdictions or parties; and
9. Revise the Main Library CIP-35-082.0 budget as contained in the Proposition 14 application.

Subitem-B: (R-2003-1096) ADOPTED AS RESOLUTION R-297750

Certifying that the information contained in LDR-41-0980A has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Addendum reflects the independent judgment of the City of San Diego as Lead Agency. Stating for the record that the Addendum has been reviewed and considered prior to approving the project;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

FILE LOCATION: SUBITEMS A & B: MEET (63)

COUNCIL ACTION: (Time duration: 3:33 p.m. - 3:37 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: State of California Wildlife Conservation Board (WCB) Grant.

(East Elliott Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1023) ADOPTED AS RESOLUTION R-297751

Authorizing the City Manager, or his representative, to submit an application to the State of California Wildlife Conservation Board, for open space acquisition in the East Elliott area of the City of San Diego;

Authorizing the City Manager, or his representative, to take all necessary actions to secure funding;

Authorizing the City Manager, or his representative, to conduct all negotiations, execute and submit all documents, including but not limited to applications, amendments, and payments requests which may be necessary for the completion of the Project;

Authorizing the acceptance and expenditure of monies for the acquisition of real property rights, if grants are awarded, from CIP-37-443.0, MSCP, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,000,000 from the Habitat Acquisition Fund No. 10571 (\$900,000 from CIP-37-443.0, MSCP Acquisition and \$100,000 from Fund 10571/9544), as the local contribution for the acquisition of property rights in East Elliott.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of a \$5,000,000 grant from the State of California Wildlife Conservation Board to assist in the acquisition of property within the East Elliott area of the City of San Diego. City funds totaling \$1,000,000 are being proposed as a match for the grant. The local match is available from the Habitat Acquisition Fund (10571) and CIP-37-443.0, Multiple Species Conservation Program-Property Acquisition. The grant funds would be used to continue acquisitions in the East Elliott area from willing sellers.

FISCAL IMPACT:

A total of \$5,000,000 would be received under the proposed WCB grant. A local match of \$1,000,000 is being proposed.

Ewell/Goldberg/KG

Aud. Cert. 2300888.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Two actions related to Revenue Enhancement and Information Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1057) ADOPTED AS RESOLUTION R-297752

Authorizing examination of Sales and Use Tax Records.

Subitem-B: (R-2003-1056) ADOPTED AS RESOLUTION R-297753

Authorizing the City Manager to execute an agreement with MBIA MuniServices Company (MBIA) for Sales and Use Tax Audit Services and Geo-Based Information Program Services.

CITY MANAGER SUPPORTING INFORMATION:

In March of 1991, the City Council approved an agreement with Municipal Revenue Consultants (later renamed MBIA MuniServices Company (MMC)), to provide sales tax audit and information services. The resolution adopted by Council authorized MMC to review confidential State Board of Equalization (SBE) taxpayer information on the City's behalf, per the requirements of the State of California Revenue and Taxation Code. In March of 1997, the City Manager renewed the agreement with MMC which incorporated the provisions of a previous contract and included new revenue enhancement services. This contract has resulted in recovered revenues to the City in excess of \$25 million. The City's Sales Tax annual budget and projections include recovered revenues from sales tax audit service provided by MMC.

MBIA MuniServices Company (MMC) has more than 10 years of experience with the City of San Diego and its business environment. Due to the time limitations on recovery of potentially lost revenues, it would be beneficial to the City, especially under the current uncertain economic conditions, to retain the MMC as a sole source consultant to provide sales tax and property tax audit services, generating new sales and property tax revenue which would not otherwise have been realized by the City. The MMC's knowledge and expertise related to the City's finances makes the company a unique consultant for enhancing the City's revenues.

The City Manager has negotiated a new proposed agreement with MMC which incorporates the provisions of the existing sales tax audit contract and includes new revenue enhancement services. The City Manager is seeking the Council's continued authorization for MMC to review confidential SBE information on the City's behalf under the new agreement.

The new proposed agreement includes the following provisions:

1. Sales and Use Tax Audit service which maximizes the City of San Diego's revenues and minimizes the cost of lost revenue by detecting and documenting misallocations of sales and use tax activity.

2. Property Tax Audit service which assists the City's Redevelopment Agency (RDA) in recovering all of the revenue to which it is entitled from its Property Tax and the RDA Tax Increment.

3. Geo-Based Revenue Information Program (GRIP) service which develops and maintains a database for monitoring and analysis of revenue generated from the City's economic base and revenue structure and inputs the data elements into GRIP. GRIP facilitates the reorganization, monitoring and analysis of revenue contribution on a total amount, segregated and aggregated basis according to revenue source, business type, industry, business, land use, facility, development and designated geographic area.

This Agreement will be effective for one year beginning with the date it is executed by the last Party to sign the Agreement. The term of this agreement shall have four one-year options to renew under the same terms and conditions.

FISCAL IMPACT:

MBIA MuniServices Company's (MMC) compensation is self-funded: the City is not obligated to pay MMC any compensation unless increased revenues are realized due to their services. The City's revenue generated over the last five years from MMC's revenue enhancement activities is \$11,192,703 which includes \$1,696,079 paid to MMC by the City.

Frazier/Irvine/IK

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-112: FY2003-2004 State Park Funding Process.

(Barrio Logan, Carmel Mountain Ranch, Clairemont Mesa, Greater Golden Hill, Greater North Park, Kearny Mesa, Kensington/Talmadge, La Jolla, Linda Vista, Mid City, Mid City Eastern Area, Mira Mesa, Mission Beach, Mission Valley, Navajo, Normal Heights, Otay Mesa/Nestor, Pacific Beach, Peñasquitos East, Peninsula, Rancho Bernardo, Sabre Springs, San Ysidro, Scripps Ranch, Serra Mesa, Skyline/Paradise Hills, Southeastern San Diego, Tierrasanta, University and Uptown Community Areas. Districts-All.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1035 Cor. Copy) ADOPTED AS AMENDED AS
RESOLUTION R-297754

Approving park projects to be considered for funding by the State of
California during Fiscal Year 2003-2004.

CITY MANAGER SUPPORTING INFORMATION:

On November 19, 2001, the Mayor and City Council approved the Manager's recommendation to revise the process used to create the proposed list of San Diego park projects for potential funding by State Legislators during the State Budget process. The process provides the Mayor and each Council Office the opportunity to select three to five park projects within their areas of concern for consideration by the State Legislators for funding through the upcoming State budget process. Projects on the list were developed by the Park and Recreation Development Office staff in coordination with the Mayor and Council Offices using the following criteria, which has historically been used by State Legislators to determine which projects will be funded through the State budget:

- C Ability to construct project quickly, ideally within 1-2 years from date of funding.
- C Availability of local matching funds; the State prefers not to be the sole funding source.
- C "Brick & Mortar" work preferred; funds are not often awarded for planning (design) projects.
- C Lack of other available funds; the State funds should not be used if other funding sources are available for the project.
- C Generally, to be competitive, project funding requests should not exceed \$300,000 per project.

Once the Mayor and City Council approve the list, project packages will be sent to the City's Sacramento representatives who meet with the appropriate Legislative Members. Project packages may include project descriptions, cost estimates, area demographics, letters of support, and photographs. As in the past, community groups will be notified via staff of the projects submitted and how to inform legislators of their support. It is important to note that due to the State's current budget shortfall it is anticipated there will be little, if any, discretionary budget money for Legislative Member's requests in the FY2003-2004 budget. However, it is possible that Legislative Members will identify other fund sources to allocate to San Diego park projects. The Park and Recreation Development Office and the

Governmental Relations Department will work closely with the City's Sacramento representative to ensure all available funding is considered for the approved project list.

FISCAL IMPACT:

If projects are funded through this process, staff time will be required to oversee funding and construction. In addition, construction of new facilities may impact the City's operating budget due to increased maintenance and staffing needs.

Herring/Oppenheim/AP

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:39 p.m. - 3:52 p.m.)

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION AS AMENDED TO ADD TO THE FY 2003-2004 STATE PARK FUNDING PROCESS PROPOSED PROJECTS LIST, CYPRUS PARK IN SCRIPPS RANCH FOR A TOT LOT UPGRADE, AND TO SWITCH THE SERRA MESA COMMUNITY PARK TOT LOT UPGRADE FROM THE LIST AND REPLACE THAT WITH CARLSON ELEMENTARY SCHOOL JOINT USE PROJECT AS REQUESTED BY COUNCIL MEMBER FRYE. TO REFER TO NATURAL RESOURCES AND CULTURE COMMITTEE THE DISCUSSION AND EXPLORATION OF THE DESIRABILITY OF DOING A PARK MASTER PLAN AS REQUESTED BY COUNCIL MEMBER PETERS. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Proposed Formation of Assessment District No. 4096 (Piper Ranch).

(See City Manager Report CMR-03-044. Otay Mesa Community Plan Area. District-8.)

DEPUTY CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B:

Subitem-A: (R-2003-1094 Cor. Copy) ADOPTED AS RESOLUTION
R-297755

A Resolution of the City Council of the City of San Diego of intention to order improvements in a proposed assessment district, accepting petition of

property owners, approving a proposed boundary map, and appointing the engineer of work.

Subitem-B: (R-2003-1095) ADOPTED AS RESOLUTION R-297756

A Resolution of the City Council of the City of San Diego preliminarily approving Engineer's Report, setting the date for the public hearing of protests and providing for property owner ballots.

DEPUTY CITY MANAGER SUPPORTING INFORMATION:

The City has received an application and petition from Piper Ranch, LLC (property owner) to initiate special assessment proceedings for the purposes of establishing an assessment district on land owned in Otay Mesa, approximately one-half mile east of the Brown Field Airport. Piper Ranch, LLC is a wholly owned subsidiary of Otay Investors LLC, which is a joint venture between BCL Otay Investment LLC and Property Asset Management Inc., the latter of which is wholly owned by Lehman Brothers. The property is approximately 70 acres and is comprised of 24 parcels, which are fully entitled, and are planned to be developed as a light industrial office park. Site preparation and construction of infrastructure are underway.

The California Street and Highways Code, ("the Code") provides that public facilities that will be owned by the City may be financed through the establishment of an assessment district, and through collection of assessments from property owners within an assessment district.

The Code further provides that the assessments may be pledged to support debt service on bonds issued to finance the public facilities. Council Policy 800-03 ("the Policy") allows for the use of assessment districts to finance public improvements required in connection with development and specifically contemplates utilization of assessment district financing in developing areas such as Otay Mesa.

Adoption of the above referenced resolutions will begin the formal legislative proceedings required to establish the proposed Assessment District.

FISCAL IMPACT:

None to the City. In accordance with Council Policy 800-03, all costs related to determining financial feasibility of the proposed Assessment District, including financial advisory services, legal counsel, assessment engineering, appraisal services, and City staff, have been funded by Piper Ranch, LLC.

If the Assessment District is formed and bonds are subsequently issued, all costs related to financing the public facilities and improvements as described in this report and all incidental expenses related to forming and administering the Assessment District will be borne by property owners within the Assessment District.

Frazier/Vattimo/MLG/RLD

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: SUBITEMS A & B: STRT-D-2307 (31)

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Frankie Laine Day.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1051) ADOPTED AS RESOLUTION R-297757

Commending Frankie Laine for his many years of outstanding contributions and service to the City of San Diego and congratulating him on the occasion of his 90th birthday;

Proclaiming March 30, 2003 to be "Frankie Laine Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-115: Appointment to the San Diego Unified Port District Board of Commissioners.

(See memorandum from Mayor Murphy dated 2/19/2003.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1119) ADOPTED AS RESOLUTION R-297758

Council confirmation of the appointment by the Mayor of Sylvia C. Rios to serve as a member of the San Diego Unified Port District Board of Commissioners for a term ending January 2, 2005, to replace Patricia McQuater, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:06 p.m. - 3:15 p.m.)

MOTION BY INZUNZA TO CONFIRM THE APPOINTMENT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-116: Appointments and Reappointments to the Historical Resources Board.

(See memorandum from Mayor Murphy dated 3/11/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1115 Cor. Copy) ADOPTED AS RESOLUTION R-297759

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Historical Resources Board, for terms as indicated:

Reappointments

James H. Ahern	March 1, 2005
Laura Burnett, Vice Chairperson	March 1, 2005
Gary Lee Edwards	March 1, 2005
Larry P. Malone	March 1, 2005
Delores A. McNeely	March 1, 2005
Lloyd A. Schwartz, <u>Chairperson</u>	March 1, 2005

Appointments

Term Ending

Dr. Jerry Schaefer, Chairperson (replaces Harry Sherr, whose term has expired)	March 1, 2005
Abel Silvas (replaces Lynne Christenson whose term has expired)	March 1, 2005

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:01 p.m. - 3:04 p.m.)

MOTION BY LEWIS TO CONFIRM THE APPOINTMENTS. Second by Atkins.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-117: Honoring John Kaheny on his Retirement for 22 Years of Service to the City.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1113) ADOPTED AS RESOLUTION R-297760

Recognizing and commending John Kaheny for his contributions to the City
of San Diego during his 22 years of service to its citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Inviting Bids and Award of Contract for Miramar Water Treatment Plant Upgrade and Expansion - Contract A.

(See memorandum from Larry Gardner dated 1/28/2003. Scripps Miramar Ranch Community Area. Districts-1, 2, 5, 6, and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-839) **RETURNED TO THE CITY MANAGER**

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Miramar Water Treatment Plant Upgrade and Expansion - Contract A on Work Order No. 182481A;

Authorizing the City Manager to establish contract funding phases to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project, contingent upon (a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; (b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer; and (c) the passage of the FY 2004 Capital Improvement Program and Appropriation Ordinance Budget;

Authorizing the expenditure of an amount not to exceed \$77,779,773 from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion and \$7,290,171 from Water Fund 41500, CIP-73-331.0, Water Pooled Contingency, for the purpose of providing funds for the

Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriation Ordinance Budget;

Approving the use of City Forces on the Project to implement water treatment plant shut downs and perform other work necessary to help minimize and mitigate disruptions to the City's water service during construction of the Project for a cost not to exceed \$200,000;

Authorizing the expenditure of \$10,000 for right-of-way and easement related costs available in Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriation Ordinance Budget;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03482C)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION:**

On 2/5/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

As part of the Water Department Capital Improvement Program, the Miramar Water Treatment Plant (WTP) Upgrade and Expansion is scheduled for expansion from its current capacity of 140 million gallons per day (MGD) to 215 MGD to meet the water demand of its service area. In addition to increasing treatment capacity, the treatment processes will be upgraded. This will improve operation and maintenance at the facility, and will meet the drinking water standards set by the U. S. Environmental Protection Agency. This project is included in the California Department of Health Services (DHS) Compliance Order (#04-14-96-022) requiring that construction be completed by June 2008.

Contract A represents the first of four components of the Miramar WTP Expansion and Upgrade. It consists of construction of new overflow, rapid mix and splitter box facilities,

pre-ozonation and deaeration facilities, demolition of flocculation/sedimentation basin number 4, structural and mechanical modifications to flocculation/sedimentation basins numbers 1 and 2, construction of ozone facilities, twelve (12) high rate filters, bulk chemical storage facilities, chemical feed facilities, chlorine facilities, an administration/operations building, main switchgear building, emergency generator and a clearwell inlet structure. Due to the magnitude and scope of work associated with Contract A, the Water Department and EOCP have made a significant and proactive effort to facilitate small and disadvantaged contractor participation.

A Resource Protection Ordinance (RPO) Permit No. 99-0704 was approved and Final Program EIR (LDR No. 99-0704) was certified by the Hearing Officer on March 13, 2002, by Resolution No. D-2084 covering all phased improvements of the Miramar WTP expansion including Early Start Improvements (Phase II) and several contracts making up the facility upgrades. This project (Contract A) will facilitate the upcoming upgrade and expansion of Miramar WTP and will minimize the environmental and community impacts in compliance with the adopted Mitigation Monitoring and Reporting Program (MMRP) as part of the Final Program EIR.

Since 1999, the City of San Diego Water Department has been working with a Community Advisory Group whose members represent the Scripps Ranch Community to ensure that this project can be completed with as little impact to the community as possible, while meeting project needs and MMRP requirements. This project was presented and approved by the Natural Resources and Culture Committee on 2/5/2003.

FISCAL IMPACT:

The total cost of this project is \$109,226,996 of which \$24,157,052 was previously authorized. Funding of \$85,069,944 will be available from CIP-73-284.0 Miramar Water Treatment Plant - Upgrade & Expansion. This contract will be phase funded over four years.

Mendes/Gardner/HH

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:38 p.m. - 3:39 p.m.)

MOTION BY ZUCCHET TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER RESEARCH BEFORE COMING BEFORE COUNCIL. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: REFERRED TO CLOSED SESSION ON APRIL 1, 2003

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: An approximate 76-acre parcel in the Northeast corner of Mission Bay Park.

City Negotiator: Real Estate Assets Director

Negotiating Party: Michael Gelfand, De Anza Harbor Resort and Golf, LLC

Under Negotiation: Seeking direction on the negotiation of an amendment to the existing Memorandum of Understanding between the City and De Anza harbor Resort, LLC.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8), this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on April 1, 2003.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

Mayor Murphy closed the Hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:31 p.m. - 5:13 p.m.)

ITEM-250: Settlement of the Brown Field Aviation Park LLC v. City of San Diego, et al.

(R-2003-1014)

Adopted as Resolution R-297710.

A Resolution approved by the City Council in Closed Session on Tuesday, March 4, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$1,251,000 in the settlement of each and every claim against the City, its agents and employees (Superior Court Case No. 800628, Brown Field Aviation Park LLC v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in amount of \$1,251,000, made payable to Brown Field Aviation Park LLC and Law Offices of Mazzarella, Dunwoody and Caldarelli in full settlement of the lawsuit and all claims;

Authorizing the City Auditor and Comptroller to transfer the sum of \$1,251,000, from the Airport Enterprise Fund balance, Fund 41100 to Fund 41100, Department 720, Org. 2102, Object Account 4141, Job Order 255356.

Aud. Cert. 2300877.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-S400: Mr. Ernie Flores, Jr. Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1136)

ADOPTED AS RESOLUTION R-297761

Commending Mr. Ernie Flores, Jr., for the dedication, commitment, and services he has provided to numerous citizens and organizations in the City of San Diego;

Proclaiming March 24, 2003 to be "Mr. Ernie Flores, Jr. Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:59 p.m.)

MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-S401: The California Wellness Foundation Grant to Support Strategic Planning for the Family Justice Center and Forensic Medical Program.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1050) ADOPTED AS RESOLUTION R-297762

Authorizing the City Attorney to accept and expend a \$60,000 grant from the California Wellness Foundation, over the next thirty-six months, beginning March 2003 through March 2006, to support strategic planning for the Family Justice Center and Forensic Medical Program;

Declaring that the grant will fund one strategic planner for three years.

SUPPORTING INFORMATION:

Strategic planning for the Family Justice Center (FJC) and Forensic Medical Unit is funded through March 2006 by the California Wellness Foundation. This award to the City of San Diego, City Attorney's Office, is for the continued development and implementation of a strategic plan to ensure the long-term viability of the Family Justice Center and Forensic Medical Unit. The Family Justice Center opened in October 2002.

The City of San Diego, City Attorney will develop a strategic plan with a strategic planner and the partners at the FJC to transition from being separate, independent agencies to a

collaborative one-stop shop that demonstrates commitment, leadership, cooperation and coordination to both the FJC and Forensic Medical Unit. The California Wellness Foundation \$60,000 grant will fund a part-time strategic planner over three years.

The first two phases, Designing the Strategic Planning Parameters and Facilitating the Strategic Planning Process, have been completed. With this grant, the FJC can move forward to Phase III - Implementing, Managing, and Updating the Plan. During this phase, Adams & Adams will help the FJC's Tiger Team implement and sustain the momentum of the Strategic Plan. This phase includes: (1) organizing workgroups, (2) designing the communication system, (3) identifying a management structure to facilitate oversight of the Strategic Plan, and (4) progress reviews. Through ongoing participation and collaboration, the Strategic Plan for launching, implementing, and achieving the Center's goals, objectives, and programs will continue to be developed and implemented.

Devaney/Foster/SS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-S402: U.S. Department of Justice, Office of Justice Programs, Office on Violence Against Women, "Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program."

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1048 Cor. Copy) ADOPTED AS RESOLUTION R-297763

Authorizing the City Attorney to apply for, accept and expend a \$500,000 grant from the Department of Justice, Office on Violence Against Women over the next twenty-four months beginning July 1, 2003 through June 30, 2005, to support the program entitled "Grants to Encourage Arrest Policies and Enforcement of Protection Orders;"

Authorizing the City Attorney's Office to hire consultants and/or personnel pursuant to the grant;

Declaring that the City of San Diego agrees to hold the Department of Justice harmless from any liability arising out of the performance of the grant agreement, including court actions or damages.

SUPPORTING INFORMATION:

This project is funded through the Fiscal Year 2003 "Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program." This award to the City of San Diego, City Attorney, will establish an on-site Forensic Medical Unit at the Family Justice Center. Sharp Healthcare Grossmont Hospital has agreed to provide leadership and direction in developing and operating the Forensic Medical Unit at the FJC.

The City of San Diego, with assistance from the San Diego City Attorney's Office and the Police Department (SDPD) launched the Family Justice Center (FJC) in October 2002 which brought together a variety of domestic violence professionals and services under one roof. Now that the FJC is fully underway, one critical remaining need is that of an on-site Forensic Medical Unit. With this grant, the FJC will be able to add this crucial missing component and address the needs of victims in a holistic manner. Victims will be able to access medical, legal and social services under one roof and thus the One Stop Shop concept will be realized. The Forensic Medical Unit would be located on the "Community Floor" in a private suite at the FJC. The suite has two medical exam rooms, one restroom, one shower, two offices for staff, storage space, and is available for immediate occupancy. Funding will be used to staff the Unit with a medical doctor, trained in emergency medicine; a forensic nurse practitioner; a domestic violence sexual assault health advocate; a bilingual Hispanic teratogen specialist, and an administrative assistant.

The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any civil suits which might arise from the City Attorney's use of the funds and certifies that the City will not use the grant to supplant local funds.

Devaney/Foster/SS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-S403: U.S. Department of Justice, Office of Justice Programs, Office on Violence Against Women - "Grants to Encourage Arrest Policies and Enforcement of Protection Orders Discretionary Grants Program."

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1049 Cor. Copy 2) ADOPTED AS RESOLUTION R-297764

Authorizing the City Attorney to apply for, accept and expend a \$300,000 grant from the Department of Justice, Office on Violence Against Women, to support the program entitled "Grants to Encourage Arrest Policies and Enforcement of Protection Orders;"

Authorizing the City Attorney's Office to hire consultants and personnel pursuant to the grant;

Agreeing to hold the Department of Justice harmless from any liability arising out of the performance of the grant agreement, including court actions or damages.

SUPPORTING INFORMATION:

The U. S. Department of Justice, Office on Violence Against Women awarded the City of San Diego a \$300,000 grant to assist with the centralization and coordination of the Family Justice Center (FJC). This project is funded for one year through the "Grants to Encourage Arrest Policies and Protection Orders Program."

The award to the City of San Diego, City Attorney's Office will establish the Forensic Medical Unit and provide office space for the community partners at the FJC. The on-site community partners are as follows: Center for Community Solutions, the Chaplain Program, Children's Hospital, Episcopal Community Services, Military, Probation, Hannah's House, San Diego Domestic Violence Council, San Diego Volunteer Lawyers Program, SDSU Foundation-Women, Infants, and Children (WIC) Program, Sharp Healthcare/Grossmont Hospital, Travelers Aid, Union of Pan Asian Communities (UPAC), and YWCA. The on-site Forensic Medical Unit is the critical remaining need at FJC. With this grant, the FJC will be able to add this crucial missing component and address the needs of victims in a holistic manner. Initially, the Forensic Medical Unit will be comprised of a medical doctor, trained in emergency medicine; and a forensic nurse practitioner. Funding will be sought for additional staff. Sharp Healthcare Grossmont Hospital has agreed to provide leadership and direction in developing and operating the Forensic Medical Unit at

the FJC. Victims will be able to access medical, legal and social services under one roof and thus complete the One Stop Shop venture. The Forensic Medical Unit will be located on the “Community Floor” in a private suite that has two medical exam rooms, one restroom, two offices for staff, and storage space.

During the first two months of operation, the FJC received approximately 3,000 phone calls, provided service to 500 victims, and had over 600 site visitors. During the third month of operation, approximately 2,000 phone calls were received, service was provided to 500 victims, and 500 visitors toured the site.

The grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any civil suits which might arise from the City Attorney’s use of the funds and certifies that the City will not use the grant to supplant local funds.

Devaney/Foster/SS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-S404: Elder Abuse and Same Sex Domestic Violence Program Grant.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1089) ADOPTED AS RESOLUTION R-297765

Authorizing the City Attorney, on Council’s behalf, to submit proposals to the Office of Criminal Justice Planning (OCJP) for the Elder Abuse and Same Sex Domestic Violence Program to be funded in part from funds made available through the Violence Against Women Vertical Prosecution Program administered by the Office of Criminal Justice Planning (OCJP); to sign and approve the Proposal and Grant Award Agreement, including any extensions or amendments thereof;

Declaring that the City agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OCJP and that the cash match will be appropriated as required;

Declaring that any liability arising out of the performance of the Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability;

Declaring that grant funds received hereunder shall not be used to supplant expenditures controlled by Council;

Declaring that the resolution shall be in effect for a three-year period beginning July 1, 2002 and ending June 30, 2003.

SUPPORTING INFORMATION:

This is the renewal of a project started in 1998. The project will continue to address elder abuse and same sex domestic violence in the City of San Diego. During the period 1994-1995, there were 387 elder abuse cases reported, however, in a study conducted by the National Center on Elder Abuse, approximately 14 times as many cases go unreported, approximately 5,418 cases. While there is little research on same sex domestic violence, the San Diego Police Department reported that same sex domestic violence cases increased from 1.6% to 2.6% of the total domestic violence cases between 1993 and 1996. There has been a steady increase in the number of elder abuse cases prosecuted since the inception of this grant. The caseload has increased from 31 cases during the first year to the current expected 52 cases. The caseload for same sex cases has averaged 30 per year for the three year grant period.

Devaney/Foster/GS

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-S405: Agreement with Orrick Herrington & Sutcliffe LLP for Bond and Disclosure Counsel Services for Ballpark and Redevelopment Project Refunding Bonds.

(Centre City East Community Area.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1043) ADOPTED AS RESOLUTION R-297766

Authorizing the City Manager to execute an agreement with Orrick, Herrington and Sutcliffe, for Bond and Disclosure Counsel Services for the Ballpark and Redevelopment Project Refunding Bonds, for an amount not to exceed \$176,500 contingent upon the sale of refund bonds;

Authorizing the expenditure of an amount not to exceed \$60,000 from Fund 102214, Dept. 102214, Org. 250, Obj. Acct. 4141, J.O. 000205, for legal services related to the sale of Ballpark Refunding Bonds.

SUPPORTING INFORMATION:

Orrick Herrington & Sutcliffe [Firm] acted as bond and disclosure counsel on the issuance of the Ballpark and Redevelopment Project Lease Revenue Bonds (Series 2002) [Bonds]. A number of lawsuits were filed against the City related to the Ballpark and Redevelopment Project. The Firm assisted the City with the lawsuits and the appeals. In anticipation of all of these legal matters being resolved in the City's favor, the City is planning to move forward with a refunding of the outstanding bonds [Refunding Bonds]. Such refunding will result in lower interest rates and significant savings for the City. Because of the Firm's extensive involvement in the prior issuance of Bonds and familiarity with the associated legal issues, the City has determined to hire the Firm as bond and disclosure counsel for the Refunding Bonds for a fixed fee of \$176,500. Other legal services, including review of the City's annual disclosure reports for the Refunding Bonding, will also be provided by the Firm, for a maximum amount not to exceed \$60,000.

FISCAL IMPACT:

Bond and disclosure counsel fees are contingent on the Refunding Bonds being sold and will be paid from the proceeds of the Refunding Bonds. Other services, for a maximum amount not to exceed \$60,000, shall be paid from Fund 102214, Dept 102214, Org. 250, Obj. Acct. 4141, Job Order 000205.

Noone/Frazier/KS

Aud. Cert. 2300939.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-S406: Proposed Consultant Contracts.

(See memorandum from Andrew Poat dated 2/24/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1131) ADOPTED AS RESOLUTION R-297767

Authorizing the City Manager to enter contract negotiations with the partnership of Sloat-Higgins/Marston & Marston/Platinum Advisors, for the purpose of general state representation on behalf of the City of San Diego;

Authorizing the City Manager to enter compensation negotiations with the partnership of Lehman-English, Jim Costa & Ed Manning, for the purposes of representation on state water, wastewater, and natural resources issues on behalf of the City of San Diego;

Authorizing the City Manager to conclude negotiations with the San Diego Association of Governments, Metropolitan Transit Development Board, and North County Transit on a Memorandum of Understanding and Compensation Agreement for regional transportation consulting services;

Authorizing the City Manager, in conjunction with the Department of Economic Development and Mayor's Office, to complete specifications for a Military Base Realignment and Closure consultant and report to the Rules, Finance and Intergovernmental Relations Committee no later than April 2003.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 2/26/2003, Rules voted 5 to 0 to: a) enter contract negotiations with the partnership of Sloat-Higgins/Marston & Marston/Platinum Advisors, for purposes of General State representation; b) enter compensation negotiations with the firm of Lehman-English & Manning Associates, for purposes of representation on state water, wastewater, and natural resources issues; c) conclude negotiations with the San Diego Association of Governments (SANDAG), Metropolitan Transit Development Board (MTDB), and North County Transit on a Memorandum of Understanding and compensation agreement for regional transportation consulting services; and d) complete specifications for a Military Base Realignment and Closure (BRAC) consultant, in conjunction with the Department of Economic Development and Mayor's Office, for adoption by the Rules Committee no later than April 2003.

(Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

SUPPORTING INFORMATION:

On February 26, 2003, the Rules, Finance and Intergovernmental Relations Committee voted 5-0 to: a) Enter contract negotiations with the partnership of Sloat-Higgins/Marston and Marston/Platinum Advisors for purposes of General State representation; b) enter compensation negotiations with the firm of Lehman-English & Manning Associates for purposes of representation on State water, wastewater, and natural resources issues; c) conclude negotiations with the San Diego Association of Governments (SANDAG), Metropolitan Transit Development Board (MTDB), and North County Transit on a Memorandum of Understanding and compensation agreement for regional transportation consulting services; and d) complete specifications for a Military Base Realignment & Closure (BRAC) consultant, in conjunction with the Department of Economic Development and Mayor's Office, for reporting to the Rules Committee no later than April 2003.

Bill Baber

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S407: Proposed Fiscal Year 2004 Federal Appropriations Priority List.

(See memorandum from Andrew Poat dated 2/24/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1132)

ADOPTED AS RESOLUTION R-297768

Approving the City's Fiscal Year 2004 Federal Appropriations Priority List,
as set forth in the February 24, 2003 Memorandum from the City's
Governmental Relations Department.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 2/26/2003, Rules voted 5 to 0 to approve Fiscal Year 2004 Federal appropriation
priorities listed in Andrew Poat's February 24, 2003 memorandum. (Councilmembers
Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

FILE LOCATION:

MEET

COUNCIL ACTION:

(Time duration: 3:54 p.m. - 3:56 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following
vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-S408: Mother Lula Champion Blake Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1127)

ADOPTED AS RESOLUTION R-297769

Recognizing Mother Lula Champion Blake for her outstanding contributions
to her family, church, and community;

Proclaiming March 28, 2003 to be “Mother Lula Champion Blake Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-S409: Fern Street Circus After-School Circus Skills Program 10th Anniversary Day.

COUNCILMEMBER ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2003-1128) ADOPTED AS RESOLUTION R-297770

Recognizing the Fern Street Circus for its outstanding contributions to the community through the circus arts, and heartily congratulating them on the occasion of the 10th Anniversary of its After-School Circus Skills Program;

Proclaiming March 17, 2003 to be “Fern Street Circus After-School Circus Skills Program 10th Anniversary Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S410: Office Space Lease Amendment - MWWD - Complex Street Location.

(Kearny Mesa Community Area. District-6.)

(Continued from the meeting of 3/17/2003, Item 54, at the request of the City Manager, for further review.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-123) **REFERRED TO NATURAL RESOURCES AND
CULTURE COMMITTEE**

Introduction of an Ordinance authorizing the City Manager to execute an amendment to the lease between the City and Gateway West Properties, Inc. for office space at 5450 Complex Street, Suite 310, and 5466 Complex Street, Suite 203, to extend the lease for five years from February 1, 2003 through January 31, 2008, with an option for an additional five years, at an initial rent of \$7,240.19 per month;

Authorizing the City Manager to expend an amount not to exceed \$36,200.95 from Fund 41509 to pay the additional rent due under the Lease as amended, through the end of Fiscal Year 2003.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD) has been leasing space at 5450 and 5466 Complex Street for its consultant, Westinghouse, since September 22, 1997. As a condition of MWWD's agreement with Westinghouse, MWWD is required to provide needed office space in close proximity to MWWD's Office in Kearny Mesa during the term of the consultant agreement. The landlord has consented to extend the lease term at a below market rate. MWWD is proposing to extend the lease under the following basic terms:

Extension Term - Five (5) years, expiring January 31, 2008 with one option to extend the lease for an additional 5 years.

Rent - \$0.91 per square foot or \$7,240.19 per month. The rent will increase annually by 4%. The rent for this extension period is below market value compared to similar space in Kearny Mesa. Rent in this area ranges from \$1.03 per square foot to \$1.10 per square foot.

Size - Approximately 7,950 square feet. Suite 310 is approximately 1,640 square feet, and Suite 203 is approximately 6,310 square feet.

Use - General office use for MWWD's consultant, Westinghouse.

FISCAL IMPACT:

An additional \$36,200.95 will be paid from MWWD's Fund 41509, Dept. 777 for the balance of FY2003.

Herring/Griffith/DLM

Aud. Cert. 2300949.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:18 p.m. - 4:30 p.m.)

MOTION BY COMMON CONSENT TO REFER THIS ITEM FOR DISCUSSION TO THE NATURAL RESOURCES AND CULTURE COMMITTEE REGARDING COUNCIL MEMBER MAIENSCHIN'S CONCERNS ABOUT THE CITY PAYING FOR GATEWAY WEST PROPERTIES OFFICE SPACE. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S411: In the Matter of Negotiations with the San Diego Chargers Pursuant to the Recommendations Set Forth in the Final Report of the Citizens Task Force on Chargers Issues, and Pursuant to the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Subitem-A: (R-2003-1134 COR COPY) ADOPTED AS RESOLUTION
R-297771

Adopt the resolution designating the following additional individuals to be members of the City Negotiating Team:

1. Paul Jacobs, Esq.
2. Daniel S. Barrett
3. Robert J. Keel, Esq.

Subitem-B: **REFERRED TO CLOSED SESSION ON MARCH 25, 2003**

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

City Negotiators: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, and such other individuals as are designated by the City Council pursuant to Subitem-A above.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) Subitem-B is listed on the docket **only** for public testimony.

There is no Council discussion of Subitem-B. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Take any appropriate action on Subitem-A, and refer the matter to Closed Session on March 25, 2003.

NOTE: Members of the public wishing to address the Council on these items should speak "in favor" or "in opposition" to the subject.

Mayor Murphy closed the Hearing.

FILE LOCATION: SUBITEMS A & B: MEET (61)

COUNCIL ACTION: (Time duration: 4:07 p.m. - 4:16 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A TO DESIGNATE PAUL JACOBS, ESQ, DANIEL S. BARRETT, AND ROBERT J. KEEL, ESQ, TO BE ADDITIONAL MEMBERS OF THE CITY NEGOTIATING TEAM. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S412: REPORT GIVEN

Graffiti Strike Force.

(See City Manager Report CMR-03-053.)

Information report regarding Graffiti Strike Force.

CITY MANAGER SUPPORTING INFORMATION:

Mayor Dick Murphy announced a citywide Graffiti Strike Force (“GSF”) to combat graffiti crimes in his State of the City address on January 6, 2003. The Public Safety and Neighborhood Services Committee discussed the Mayor’s proposal on January 15, 2003, and directed the City Manager to report back to the Committee on implementation. The Police Department briefed the Public Safety and Neighborhood Services Committee on its plans to implement the GSF on February 19, 2003. The report CMR-03-053 summarizes the Department’s implementation efforts to date.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:14 p.m. - 5:24 p.m.)

MOTION BY LEWIS TO ACCEPT THE REPORT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-note present, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

*ITEM-S413: Sunset Cliffs Boulevard Improvements - Award and Additional Funding.

(Ocean Beach and Peninsula Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1000) ADOPTED AS RESOLUTION R-297772

Authorizing the City Manager to accept the bid of Kirk Paving, Inc. for the construction of CIP-52-698.0, Sunset Cliffs Boulevard, in the amount of \$713,784.25, which includes the Base Bid and Additive Alternate “A” for all phases of the construction work;

Awarding the phase-funded contract to Kirk Paving, Inc., for the construction of CIP-52-698.0, Sunset Cliffs Boulevard, in an amount not to exceed \$713,784.25 to be paid for as follows:

- 10) \$620,000 from TransNet Fund 30300 for Phase I of the project in Fiscal Year 2003; and,
- 11) \$93,784.25 from TransNet Fund 30300 for Phase II of the project in Fiscal Year 2004, contingent upon the adoption of the Fiscal Year 2004 Annual Budget and Annual Appropriation Ordinance and contingent upon the City Auditor and Comptroller certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury; or,
- 12) If sufficient funds for Phase II are not included as part of the approved Fiscal Year 2004 Budget TransNet funds and upon direction of the City Manager, authorizing the City Auditor and Comptroller to appropriate and expend an amount up to \$150,000 from the Infrastructure Fund 30309 to CIP-52-698.0, Sunset Cliffs Boulevard Improvements, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer \$94,000 from CIP-52-503.0, Sports Arena Boulevard, TransNet Fund 30300, to CIP-52-698.0, Sunset Cliffs Boulevard Improvements;

Authorizing the City Auditor and Comptroller to appropriate and expend \$94,000 from CIP-62-698.0, Sunset Cliffs Boulevard Improvements, from TransNet Fund 30300, for the purposes of the engineering and construction of the Sunset Cliffs Boulevard improvements.

CITY MANAGER SUPPORTING INFORMATION:

The Sunset Cliffs Boulevard Improvements Project (CIP-52-698.0) will provide for the widening of the Sunset Cliffs Boulevard from the existing two-lane roadway to a four lane major road between West Point Loma Drive to Nimitz Boulevard, in accordance with the community plan. The project includes widened pavement, Class III bike lanes, storm drain facilities, curbs, gutters, striping, and median improvements. It also will provide traffic signal upgrades and dedicated right turn lanes at the intersections with West Point Loma Drive and Nimitz Boulevard.

The construction contract was advertised in December 2002. As part of this bid process, Kirk Paving, Inc. was deemed the lowest responsible bidder having passed the SCOP and

other requirements. Their price bid for the base contract is \$586,914, which is 12.8% above the engineer's estimate of \$520,400. After a review of the bids, it is not anticipated that rejecting and re-bidding the contract would result in significantly lower bid prices. However, it was found that proceeding with Additive Alternative "A" (Street Lights and Median improvements) as part of the current contract would result in a significant overall cost savings (15-20%), in lieu of inclusion in a future contract. Therefore, it is recommended that Additive Alternative "A" be included in the award of the current contract, which would result in a total contract value of \$713,784.

FISCAL IMPACT:

With the inclusion of Additive Alternate "A", the total cost of this project is now \$1,048,000 for all phases of the work, which exceeds the previously authorized funds (\$804,000) by \$244,000. A portion of the additional funding necessary for this action in the amount of \$94,000 is available from TransNet Funds, CIP-52-503.0, Sports Arena Boulevard from Rosecrans Street to Midway Drive. The remaining additional funds required for this action in the amount of \$150,000 are available from TransNet Infrastructure Fund 30309. No expenditures are anticipated to be incurred against commercial paper at this time. In an effort to defer the issuance of commercial paper, available cash in the amount of \$244,000 will be identified through our cash management process. This contract will be phase funded over Fiscal Year 2003 and Fiscal Year 2004, in accordance with the Phase Funding Schedule.

Loveland/Belock/PKB

Aud. Cert. 2300912.

FILE LOCATION: CONT-Kirk Paving, Inc.

COUNCIL ACTION: (Time duration: 2:54 p.m. - 3:00 p.m.)

CONSENT MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:25 p.m. in honor of the memory of:

Lieutenant Thomas Adams; 2nd Lieutenant Therrel Childers; Lance Corporal Jose Gutierrez; Captain Ryan Beaupre; Staff Sargent Kendall Damon Watersbey; and Corporal Brian Kennedy.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 5:23 p.m.- 5:25 p.m.)